



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent Application No.: 09/960162)	
)	Group Art Unit: 2624
Filing Date: September 20, 2001)	
)	Examiner: P. K. Huntsinger
For: System For Transferring A Digital Image)	
From A Photographer To A Fulfillment Center To)	Docket No.: 010684.0103PTUS
Generate A Photographic Process)	
)	Confirmation No.: 4261
Applicants: Rodney T. Whisnant et al.)	
)	
)	

DECLARATION OF GRAHAM McFARLAND

I, Graham McFarland, hereby declare:

1. I am President and CEO of Express Digital Graphics, Inc, a Colorado Corporation having offices at 9200 E. Panorama Circle, Englewood CO 80112, where I am involved in running the business. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true.

2. I am a graduate of Texas A&M University with a BBA in accounting and I am CPA. I founded Express Digital Graphics in 1994. As a digital imaging industry pioneer, I speak regularly regarding the digital imaging segment of the photographic industry to trade groups and manufacturers including the Photographic Marketing Association, Professional Photographers of America, the International Association of Professional Event Photographers, Noritsu, Kodak and Sony.

3. Express Digital Graphics, Inc. is the assignee of the above-identified application (hereinafter, "the Application").

4. I submit this Declaration to present to the Examiner, in an authenticated manner, facts concerning the patentability of the claims.

5. I have read and am familiar with the Application including the current claims. The current claims, particularly claims 1 and 44, describe the Express Digital SOFTWARE product we call LABTRICITY.

6. In the LABTRICITY system, a photographer processing unit communicates with a gateway processing unit. The gateway processing unit, when requested, provides ordering options to the photographer processing unit for all the fulfillment centers that are part of our system, receives and processes orders and sends them to the fulfillment centers, and sends routing information to the photographer processing unit that enables the photographer processing unit to send electronic files of photographs to the fulfillment center.

7. The LABTRICITY product is the most successful software product that permits photographers to order prints from any one of many fulfillment centers.

8. Approximately, sixteen thousand professional photographers have purchased or acquired LABTRICITY.

9. Approximately, one-hundred forty-five fulfillment centers have purchased the LABTRICITY fulfillment center software, most of whom are provided as options to the photographer.

10. The fulfillment centers using our system include Sears Portrait Studios, Carnival Cruise Lines, Thrifty White Drugstores, and Miller Professional Labs, the largest professional development lab in the United States.

11. Large vertically integrated business, such as Sears Portrait Studios, use our photographer software at their studios, our fulfillment center software at their print labs, and send their orders through our gateway computers.

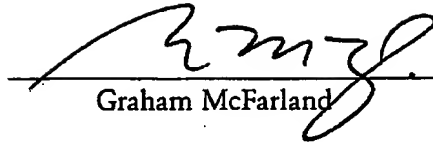
12. In April 2005, Express Digital and Noritsu Koki, the largest manufacturer of digital mini-labs in the world, signed a worldwide license agreement for 1,500 copies of LABTRICITY customized specifically for Noritsu hardware and branded as Nortisu EZLab.

13. In 2005, over 3.3 million photography orders were transmitted through the LABTRICITY network, accounting for prints equivalent to nearly 27 million 8X10 prints processed by fulfillment center customers.

14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

MARCH 27, 2006

Date



Graham McFarland